

1133279-0004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Cottone et. al.
Serial No. : 09/862,690
Filed : May 22, 2001
For : SELF-EXPANDING STENT
Examiner : Sarah K. Webb
Group Art Unit : 3731

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35,372

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

NOTIFICATION OF ERROR IN PAYMENT OF FEES AS A SMALL ENTITY
(37 CFR §1.28(C))

Sir:

When provisional application Serial No. 60/206,211 was filed
on May 22, 2000 and the instant application, claiming benefit
thereof, was filed on May 22, 2001, all parties holding rights

1133279-0004

in the invention qualified for small entity status, and a claim for such was rightfully made. However, some time later this status changed, but, due to no deceptive intent, the claim was never subsequently withdrawn. This Notification of Error is submitted in order to effect payment of deficiencies owed in accordance with the rules. The claim to status as a small entity is hereby withdrawn.

PAYMENT OF FEES AS SMALL ENTITY

1) A late Declaration surcharge of \$65 was paid on November 14, 2001. The current fee amount for a non-small entity is \$130, and the deficiency owed is thus \$65.

2) A two-month extension fee of \$200 was paid on November 14, 2001. The current fee amount for a non-small entity is \$430, and the deficiency owed is thus \$230.

3) A three-month extension fee of \$465 was paid on April 3, 2003. The current fee amount for a non-small entity is \$980, and the deficiency owed is thus \$515.

4) A three-month extension fee of \$490 was paid on October 25, 2004. The current fee amount for a non-small entity is \$980, and the deficiency owed is thus \$490.

1133279-0004

5) An RCE fee of \$395 was paid on October 25, 2004. The current fee amount for a non-small entity is \$790, and the deficiency owed is thus \$395.

FEE PAYMENT FOR DEFICIENCY

As can be determined from the itemized information above, the total deficiency owed, i.e., the difference between the amount of fees paid by Applicants at the small-entity level and the currently set amount of those fees for a non-small entity, is \$1,695. Authorization is hereby given to charge this sum to Deposit Account No. 23-1703. To the knowledge of Applicants' agent, no other fees of small-entity level were paid by Applicants or charged by the Office. However, should it be determined that any additional deficiencies exist, or should it be determined that any additional fees are due for any reason, said deficiencies or additional fees may likewise be charged.

1133279-0004

This submission is made in good faith and meets all of the requirements of 37 CFR §1.28(c)(2).

Date: November 17, 2004

Respectfully submitted,



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